



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: C-1

November 23, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**ORDINANCE AMENDING CHAPTER 20.32 OF THE LOS ANGELES COUNTY CODE
RELATING TO FEES AND DEPOSITS CHARGED FOR SERVICES
FEE INCREASE FOR SEWER CONSTRUCTION PERMITS
ANNUAL FEE ADJUSTMENTS BASED ON THE CONSUMER PRICE INDEX
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

This action is to approve an Ordinance amending Chapter 20.32 of the County Code to increase existing fees for sewer construction permits to achieve full recovery of the costs incurred by the Department of Public Works for permit application review, processing, field inspection, and the procurement and preparation of record plans; add annual fee adjustments based on the Consumer Price Index in an effort to maintain ongoing cost recovery; authorize the suspension or revocation of a sewer construction permit under certain conditions; and authorize the collection of an investigation fee for unpermitted work.

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:

1. Find that the proposed Ordinance is exempt from the California Environmental Quality Act.
2. Introduce, waive reading, and adopt the proposed Ordinance amending Chapter 20.32 of the Los Angeles County Code to increase specified fees for sewer construction permits to achieve full recovery of the costs incurred by

the Department of Public Works for permit application review, processing, field inspection, and the procurement and preparation of record plans; add annual fee adjustments based on the Consumer Price Index in an effort to maintain ongoing cost recovery; authorize the suspension or revocation of a sewer construction permit under certain conditions; and authorize the collection of an investigation fee for unpermitted work.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to adopt the enclosed proposed Ordinance, pertaining to Chapter 20.32 of the County Code that:

- Amends Section 20.32.010 to revise and clarify the time period sewer construction permits remain valid, and authorize the collection of a fee for each time extension requested by the permittee; and
- Amends Section 20.32.120 to increase existing fees for sewer construction permits to achieve full recovery of the costs incurred by the Department of Public Works for permit application review, processing, field inspection, and the procurement and preparation of record plans and add annual fee adjustments based on the Consumer Price Index (CPI) in an effort to maintain ongoing cost recovery (enclosed); and
- Adds Section 20.32.121 to authorize the suspension or revocation of a sewer construction permit when the permit has been issued in error, on the basis of incorrect information or when in violation of any ordinance or regulation; and
- Adds Section 20.32.122 to authorize the collection of an investigation fee for unpermitted sewer-related work.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). The proposed Ordinance would increase existing fees to fully fund the costs incurred by the Department of Public Works for permit application review, processing, field inspection, and the procurement and preparation of record plans.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The proposed Ordinance will allow full recovery of the actual costs currently incurred to review and process permit applications, provide field inspection, procure and prepare record plans, and investigate unpermitted activities.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The purpose of increasing sewer fees is to recover actual cost expenditures. The sewer fees have not been adjusted since 1978. Annual fee adjustments based on the CPI are included in this proposed Ordinance in an effort to maintain ongoing cost recovery.

Pursuant to Government Code, Section 66018, prior to adopting a new fee or approving an increase in an existing fee, the Board of Supervisors must hold a public hearing at which oral or written presentations may be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting must be published in accordance with Government Code, Section 6062a.

Government Code, Section 6062a requires generally that notice be published twice at minimum once a week, with at least five days intervening between publications.

The proposed Ordinance has been reviewed and approved as to form by County Counsel.

ENVIRONMENTAL DOCUMENTATION

Adoption of the proposed Ordinance is for the purpose of meeting operating expenses and is exempt from the California Environmental Quality Act pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273(a) of the California Environmental Quality Act Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

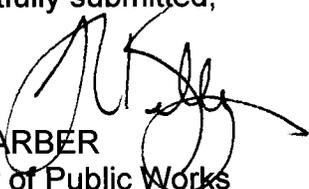
The proposed Ordinance will have no impact on any County project or service.

The Honorable Board of Supervisors
November 23, 2010
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CONCLUSION

Please return two adopted copies of this letter and two signed originals of the adopted Ordinance to the Department of Public Works, Construction Division.

Respectfully submitted,


GAIL FARBER
Director of Public Works

GF:JTS:sc

Enclosure

c: Chief Executive Office
County Counsel
Executive Office
Office of Affirmative Action Compliance

ANALYSIS

This Ordinance amends Title 20 - Utilities of the Los Angeles County Code by:

- Amending Section 20.32.010 to revise and clarify the time period sewer construction permits remain valid, and authorize the collection of a fee for each time extension requested by the permittee; and
- Amending Section 20.32.120 to increase existing fees for sewer construction permits to achieve recovery of all costs incurred by the Department of Public Works for permit application review, processing, field inspection, and the procurement and preparation of record plans and to add annual fee adjustments based on the Consumer Price Index; and
- Adding Section 20.32.121 to authorize the suspension or revocation of a sewer construction permit when the permit has been issued in error, on the basis of incorrect information, or when in violation of any ordinance or regulation; and
- Adding Section 20.32.122 to authorize the collection of an investigation fee for unpermitted sewer-related work.

ANDREA SHERIDAN ORDIN
County Counsel

By 

CAROLE B. SUZUKI
Deputy County Counsel
Public Works Division

CBS:me

Requested: 04/01/09

Revised: 05/01/09

ORDINANCE NO. _____

An ordinance amending Title 20 - Utilities of the Los Angeles County Code, to establish new fees and increase existing fees charged by the Los Angeles County Department of Public Works.

The Board of Supervisors of the County of Los Angeles ordains as follows.

SECTION 1. Section 20.32.010 is hereby amended to read as follows.

20.32.010 Required when -- Period of validity.

A. No person other than the person specifically excepted by this Division 2 shall commence, do or cause to be done, construct or cause to be constructed, use or cause to be used, alter or cause to be altered any public sewer, main-line sewer, house lateral, sewage pumping plant, water pollution control plant, or other similar appurtenance in the eCounty of Los Angeles without first obtaining a sewer construction permit from the eCounty eEngineer

B A sewer construction permit issued by the eCounty eEngineer shall expire ~~one year if the work authorized by such permit is not commenced within sixty (60) days from the date of issuance, or said work is not diligently prosecuted to completion, as determined by the County Engineer.~~ ~~except w~~When the plans whereare approved in accordance with an agreement eitherwith another governmental agency, or with the eCounty for a subdivision as required by the Subdivision Ordinance set out at Title 21 of this code, ~~or reimbursement in accordance with Section 20.28.050,~~ the permit shall be valid for the period specified in the agreement.

C The County Engineer shall have the discretion to extend the expiration date of a sewer construction permit up to two (2) times, upon written request by the permittee submitted to the County Engineer prior to the date of expiration of the permit, demonstrating that the work for which the permit was issued was delayed because of inclement weather, strikes, acts of God, or other causes not within the control of the permittee. Each extension period shall be limited to a period of sixty (60) days from the date the permit is set to expire. The permittee must pay a non-refundable permit extension fee with each extension request in the amount equivalent to the issuance fee prescribed pursuant to Section 16.10.020 of this code, provided no changes have been made to the original application and plans for such work. The permit application and plans shall be kept on file for thirty (30) days after expiration of the permit.

D. Permits for sewer construction issued under the authority of Title 16, Division 1 of this code are non-transferable.

SECTION 2. Section 20.32.120 is hereby amended to read as follows.

20.32.120 Sewer construction permit fees -- Table 1.

Before granting any permit for the construction of main-line sewer, house lateral sewer, water pollution control plant, sewage pumping plant, and whenever a permit for any industrial waste treatment or disposal facility is required by the eCounty eEngineer, the eCounty eEngineer shall collect the following fees from the applicant to cover the cost of permit application review, processing, field inspection of the proposed construction, procuring or preparing record plans, automobile mileage, and all overhead and indirect costs.

Table I

Table I – Inspection And Record Plan Fees Sewer Construction Permit Fees

For a Total Valuation of Proposed Work	Permit Fee
\$ 600.00 or less	\$ 6579.00
601.00 to \$ 1,000.00	130158.00
1,001.00 to 1,500.00	210255.00
1,501.00 to 2,000.00	295359.00
2,001.00 to 2,500.00	375456.00
2,501.00 to 3,000.00	450547.00
3,001.00 to 3,500.00	525638.00
3,501.00 to 4,000.00	600729.00
4,001.00 to 4,500.00	675820.00
4,501.00 to 5,000.00	740899.00
5,001.00 to 6,000.00	8701,057.00
6,001.00 to 7,000.00	9851,196.00
7,001.00 to 8,000.00	1,0901,324.00
8,001.00 to 9,000.00	1,1901,445.00
9,001.00 to 10,000.00	1,2801,554.00

A. For each \$1,000 00, or fractional part thereof, of the total valuation of the proposed work in excess of \$10,000 00 and not exceeding \$50,000 00, an additional \$85104 00;

B For each \$1,000 00, or fractional part thereof, of the total valuation of the proposed work in excess of \$50,000.00 and not exceeding, \$100,000.00, an additional \$6579.00;

C For each \$1,000 00, or fractional part thereof, of the total valuation of the proposed work in excess of \$100,000 00, an additional \$5061.00,

D For additional work approved by the eCounty eEngineer but not included in the original permit, the applicant shall pay a base fee of \$810.00 and an additional fee

of \$810.00 for each \$100.00, or fractional part thereof, of the total valuation of such additional work.

E. The fees set forth in this section shall be reviewed annually by the County Engineer. Beginning on July 1, 2010, and thereafter on each succeeding July 1st, the amount of each fee shall be adjusted as follows. Calculate the percentage movement between March of the previous year and March of the current year in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles - Riverside - Orange County area, as published by the United States Government Bureau of Labor Statistics, adjust each fee by said percentage amount; and round up to the nearest dollar. No adjustment shall increase or decrease any fee to an amount more or less than the amount necessary to recover the reasonable cost of providing the services for which the fee is imposed. When it is determined that the amount reasonably necessary to recover the cost of providing the services for which the fees are imposed is in excess of this adjustment, the County Engineer may present fee proposals to the Board of Supervisors for approval.

SECTION 3. Section 20 32 121 is hereby added to read as follows

20.32.121 Suspension or Revocation.

The County Engineer may, in writing, suspend or revoke a sewer construction permit whenever the County Engineer determines that the permit was issued in error, on the basis of incorrect information, or the permit is in violation of any ordinance or any other provision of this code.

SECTION 4. Section 20.32.122 is hereby added to read as follows

20.32.122 Investigation Fee for Work Without Permit.

In addition to being subject to any and all penalties prescribed by law, including under this code, any person failing to obtain a sewer construction permit as required by Section 20.32.010 of this code shall pay an investigation fee in the amount determined by the County Engineer to be necessary to recover all costs incurred in investigating the failure to obtain a sewer construction permit. The County Engineer shall have the discretion to waive the investigation fee in instances when the County Engineer determines that the work performed without a permit was performed as a result of an emergency or urgent circumstances which precluded timely application for a sewer construction permit provided that an application for a sewer construction permit is filed as soon as possible following the commencement of the unpermitted work and all of the requirements for a sewer construction permit are met. This section shall not be construed to authorize any work that requires a sewer construction permit to be performed without a sewer construction permit.

[2032010FPCC]

DEPARTMENT OF PUBLIC WORKS
CONSTRUCTION DIVISION
SEWER CONSTRUCTION PERMIT FEES
PROPOSED FEE CALCULATIONS
FISCAL YEAR 2010-11

A	B	C	D	E	F	G	H
Total Valuation of Proposed Work ¹	Current Fees Fiscal Year 2010-2011 ²	Proposed Fee Fiscal Year 2010-2011	Calculated Increase	Percentage Increase	Date Fee was Introduced	Date CPI was Introduced	Percentage Increase Distributed Per Year
\$500 or less	\$65	\$79.00	\$13.91	21.4%	June 30, 1978	N/A	0.7%
601 - 1,000	\$130	\$158.00	\$27.82	21.4%	June 30, 1978	N/A	0.7%
1,001 - 1,500	\$210	\$255.00	\$44.94	21.4%	June 30, 1978	N/A	0.7%
1,501 - 2,000	\$295	\$359.00	\$63.13	21.4%	June 30, 1978	N/A	0.7%
2,001 - 2,500	\$375	\$456.00	\$80.25	21.4%	June 30, 1978	N/A	0.7%
2,501 - 3,000	\$450	\$547.00	\$96.30	21.4%	June 30, 1978	N/A	0.7%
3,001 - 3,500	\$525	\$638.00	\$112.35	21.4%	June 30, 1978	N/A	0.7%
3,501 - 4,000	\$600	\$729.00	\$128.40	21.4%	June 30, 1978	N/A	0.7%
4,001 - 4,500	\$675	\$820.00	\$144.45	21.4%	June 30, 1978	N/A	0.7%
4,501 - 5,000	\$740	\$899.00	\$158.36	21.4%	June 30, 1978	N/A	0.7%
5,001 - 6,000	\$870	\$1,057.00	\$186.18	21.4%	June 30, 1978	N/A	0.7%
6,001 - 7,000	\$985	\$1,196.00	\$210.79	21.4%	June 30, 1978	N/A	0.7%
7,001 - 8,000	\$1,090	\$1,324.00	\$233.26	21.4%	June 30, 1978	N/A	0.7%
8,001 - 9,000	\$1,190	\$1,445.00	\$254.66	21.4%	June 30, 1978	N/A	0.7%
9,001 - 10,000	\$1,280	\$1,554.00	\$273.92	21.4%	June 30, 1978	N/A	0.7%
a. For each \$1,000 or fraction thereof in excess of \$10,000 but not exceeding \$50,000 an additional fee of	\$85	\$104	\$18	21.4%	June 30, 1978	N/A	0.7%
b. For each \$1,000 or fraction thereof in excess of \$50,000 but not exceeding \$100,000 an additional fee of	\$65	\$79	\$14	21.4%	June 30, 1978	N/A	0.7%
c. For each \$1,000 or fraction thereof in excess of \$100,000 an additional fee of	\$50	\$61	\$11	21.4%	June 30, 1978	N/A	0.7%
d. For additional work approved by the County Engineer but not included in the original permit, the applicant shall pay a base fee of plus an additional fee of _____ for each \$100	\$8	\$10	\$2	21.4%	June 30, 1978	N/A	0.7%
	\$8	\$10	\$2	21.4%	June 30, 1978	N/A	0.7%

¹ See Los Angeles County Code Section 20.32.120 Sewer Construction Permit Fees - Table 1.

² Fees shown in Column B have not been increased since they were adopted by the Board of Supervisors on May 30, 1978.

³ Sewer Construction Permits are Excavation Type permits. The fees collected under Column B cover the cost of permit application review, processing, field inspection of the proposed construction, procurement and preparation of record plans, automobile mileage, and all overhead and indirect costs.